IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

A.O. No. 55 of 2002

Mandir Darbar Baba Mula Sant (Gosai Ashram)
& another. …….. **Appellants**

Versus

Om Prakash & others …… **Respondents**

A.O. No. 56 of 2002

Fuman Lal Gosai & another …….. **Appellants**

Versus

Mandir Darbar Baba Mula Sant (Gosai Ashram)
& others …… **Respondents**

Mr. Alok Singh / Mr. D.S. Patni, learned counsel for the appellants.

Hon. P. C. Verma, A.C.J.
Hon'ble P.C. Pant, J.

These two appeals are connected with each other as common questions of fact are involved in these appeals, therefore, they are being disposed of by this common judgment. For the sake of convenience, we are mentioning the facts in Appeal from Order No. 55 of 2002.

This appeal has been preferred by the appellants against the order dated 1.3.2002 passed by learned Civil Judge (Sr. Division), Haridwar in O.S. No. 195/2001, whereby, the application of the appellants for ad-interim injunction under Order 39 Rule 1 & 2 read with Section 151 C.P.C. has been dismissed.

We have heard learned counsel for the parties and perused the record.

Appellants/plaintiffs have filed O.S. No. 195 of 2001 before the Civil Judge (Sr. Division), Haridwar against the respondents/ defendants for permanent injunction restraining the defendants not to interfere in the management and possession of the plaintiff's registered society.

Latest election of the society / plantiff No. 1 was held on

31.10.2000 for which intimation was sent to Registrar of Societies which was duly recorded and approved.

Defendants No. 1 & 2 filed their reply to the injunction application stating therein that in fact, election of Management of Committee was held on 15.10.2000 on the basis of which defendants No. 1 & 2 are entitled to manage the society. Defendants No.3 & 4 moved an application for appointment of receiver stating that there is a reasonable dispute between the two Management Committees so Receiver may be appointed. Learned Trial Court rejected both the applications. Against the said rejection order of the learned Trial Court dated 1.03.2002, the present has been filed.

Having regards to the facts and circumstances of the case, we direct the parties to maintain status quo as it existed on the date of filing of the appeal. Trial Court shall ensure the compliance of this order and shall conclude the trial within a period of six months form the date of production of certified copy of this order.

Accordingly, both the appeal are disposed of finally. No order as to costs.

(P.C. Pant, J.) **(P. C. Verma, A. C. J.)**

Dt. 07.07.2004
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